Australian Government
Department of Health and Aged Care
Office of the Gene Technology Regulator

Licence for dealings involving an intentional release of a GMO into the environment

Licence No.: DIR 148

Licence holder: Sanofi-Aventis Australia Pty Ltd

Commercial supply of Dengvaxia, a live attenuated GM dengue vaccine

Issued: 27 June 2017
Varied: 22 June 2022
Varied: 16 March 2023

More information about the decision to issue this licence is contained in the Risk Assessment and Risk Management Plan prepared in connection with the assessment of the application for the licence. This document can be obtained from the Office of the Gene Technology Regulator website or by telephoning the Office on 1800 181 030.

Gene Technology Regulation in Australia

Australia's gene technology regulatory system operates as part of an integrated legislative framework. The *Gene Technology Act 2000* (Cth) and corresponding state and territory legislation form a substantial part of a nationally consistent regulatory system controlling activities involving genetically modified organisms (GMOs).

This licence is issued by the Gene Technology Regulator in accordance with the *Gene Technology Act 2000* and, as applicable, Corresponding State Law.

The Gene Technology Regulator is required to consult with, and take into account advice from, a range of key stakeholders, including other regulatory authorities, on risks to human health and safety and to the environment in assessing applications for dealings involving the intentional release of GMOs into the Australian environment.

Other agencies that also regulate GMOs or GM products include Food Standards Australia New Zealand, Australian Pesticides and Veterinary Medicines Authority, Therapeutic Goods Administration, Australian Industrial Chemicals Introduction Scheme and the Department of Agriculture, Fisheries and Forestry. Dealings conducted under any licence issued by the Regulator may also be subject to regulation by one or more of these agencies. It is recommended that the licence holder consult the relevant agency (or agencies) about their regulatory requirements.

The licence authorises the licence holder and persons covered by the licence to conduct specified dealings with the genetically modified organism(s) listed in Attachment A of this licence.

Dealings permitted by this licence may also be subject to the operation of State legislation declaring areas to be GM, GM free, or both, for marketing purposes.

Section 1 Interpretations and definitions

1. In this licence:

   (a) unless defined otherwise, words and phrases used have the same meaning as they do in the Act and the Gene Technology Regulations 2001;

   (b) words importing a gender include any other gender;

   (c) words in the singular include the plural and words in the plural include the singular;

   (d) words importing persons include a partnership and a body whether corporate or otherwise;

   (e) references to any statute or other legislation (whether primary or subordinate) are a reference to a statute or other legislation of the Commonwealth of Australia as amended or replaced from time to time and equivalent provisions, if any, in corresponding State law, unless the contrary intention appears;

   (f) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form in respect of that word has a corresponding meaning;

   (g) specific conditions prevail over standard conditions to the extent of any inconsistency.

2. In this licence:

'**Act**' means the *Gene Technology Act 2000* (Commonwealth) or the corresponding State legislation under which this licence is issued.

'**Annual Report**' means a written report provided to the Regulator by the end of February each year containing all the information required by this licence to be provided in the Annual Report for the preceding financial year.

'**ARTG**' means the Australian Register of Therapeutic Goods maintained pursuant to section 9A of the *Therapeutic Goods Act 1989.*

'**Dealings**' in relation to the GMO, means the following:

   a) import the GMO;

   b) transport the GMO; and

   c) dispose of the GMO;

and includes the possession (including storage), supply or use of the GMO for the purposes of, or in the course of, a dealing mentioned in any of paragraphs (a) to (c).

'**GM**' means genetically modified.

'**GMOs**' means the genetically modified organisms that are the subject of the dealings authorised by this licence.

'**OGTR**' means the Office of the Gene Technology Regulator.

'**Regulator**' means the Gene Technology Regulator.

Section 2 Licence conditions and obligations

3. The licence holder is Sanofi-Aventis Australia Pty Ltd.

4. The GMOs covered by this licence are described in Attachment A of the licence.

5. The dealings authorised by this licence are:

   (a) import of the GMOs;

   (b) transport of the GMOs;

(c) disposal of the GMOs;

and the possession (including storage) and supply of the GMOs for the purposes of, or in the course, of any of these dealings.

Note: Use of the GMO for therapeutic purposes is not regulated under the Gene Technology Act 2000 and this licence does not authorise such use. The GMOs are also subject to regulation by other federal and state departments and agencies, including the Therapeutic Goods Administration and the Department of Agriculture and Water Resources. These other departments and agencies may impose further requirements for, or limitations on, these dealings.

6. The permitted dealings with the GMOs may be conducted in all areas of Australia.

7. This licence does not authorise dealings with GMOs that are otherwise prohibited as a result of State legislation that declares areas to be GM-free for marketing purposes.

8. Any person, including the licence holder, may conduct any permitted dealings with the GMOs.

9. This licence remains in force until it is suspended, cancelled or surrendered. No dealings with GMOs are authorised during any period of suspension.

10. The licence holder must immediately notify the Regulator via ogtr.m&c@health.gov.au if any of their contact details change.

2.1 Obligations of the Licence Holder

Prior to issuing a licence, the Regulator considers suitability of the applicant to hold a licence. The following conditions address ongoing suitability of the licence holder.

11. The licence holder must, at all times, remain an accredited organisation in accordance with the Act and must comply with its instrument of accreditation.

12. The licence holder must:

    (a) inform the Regulator immediately in writing, of:

        i. any relevant conviction of the licence holder occurring after the commencement of this licence; and

        ii. any revocation or suspension of a licence or permit held by the licence holder under a law of the Australian Government, a State or a foreign country, being a law relating to the health and safety of people or the environment; and

        iii. any event or circumstances occurring after the commencement of this licence that would affect the capacity of the holder of this licence to meet the conditions in it; and

    (b) provide any information related to the licence holder's ongoing suitability to hold a licence, if requested, within the stipulated timeframe.

13. The licence holder must inform any person covered by this licence, to whom a particular condition of the licence applies, of the following:

    (a) the particular condition (including any variations of it); and

    (b) the cancellation or suspension of the licence; and

    (c) the surrender of the licence.

2.2 Provision of new information to the Regulator

Licence conditions are based on the risk assessment and risk management plan developed in relation to the application using information available at the time of assessment. The following condition requires

that any new information that may affect the risk assessment and risk management plan is communicated to the Regulator.

14. The licence holder must inform the Regulator if the licence holder becomes aware of:

    (a) additional information as to any risks to the health and safety of people, or to the environment, associated with the dealings authorised by the licence; or

    (b) any contraventions of the licence by a person covered by the licence; or

    (c) any unintended effects of the dealings authorised by the licence.

Note: The Act requires, for the purposes of the above condition, that:

    (a) the licence holder will be taken to have become aware of additional information of a kind mentioned in paragraph 14(a) if he or she was reckless as to whether such information existed; and

    (b) the licence holder will be taken to have become aware of contraventions, or unintended effects, of a kind mentioned in paragraph 14(b), if he or she was reckless as to whether such contraventions had occurred, or such unintended effects existed.

Note: Contraventions of the licence may occur through the action or inaction of a person.

15. If the licence holder is required to inform the Regulator under the immediately preceding condition, the Regulator must be informed without delay.

Note: An example of informing without delay is contact made at the time of the incident via the OGTR free call phone number 1800 181 030, which provides emergency numbers for incidents that occur out of business hours. Notification without delay will allow the OGTR to conduct a risk assessment on the incident and attend the location if required.

16. If at any time the Regulator requests the licence holder to collect and provide information about any matter to do with the progress of the dealings authorised by this licence, including but not confined to:

    (a) additional information as to any risks to the health and safety of people, or to the environment, associated with the dealings authorised by the licence, whether or not the licence holder has provided information to the Regulator under condition 14(a);

    (b) any contraventions of the licence by a person covered by the licence, whether or not the licence holder has provided information to the Regulator under condition 14(b);

    (c) any unintended effects of the dealings authorised by the licence, whether or not the licence holder has provided information to the Regulator under condition 14(c);

    (d) research, including by way of survey, to verify predictions of the risk assessment, or for any purpose related to risks to the health and safety of people, or to the environment;

    (e) scientific literature and reports in respect of the GMO authorised by this licence, for a nominated period;

    (f) details of any refusals of applications for licences or permits (however described) to deal with the GMO made pursuant to the regulatory laws of a foreign country;

and the request is reasonable, having regard to consistency with the Act and relevance to its purpose, then the licence holder must collect the information and provide it to the Regulator at a time and in the manner requested by the Regulator.

Note: The Regulator may invite the licence holder to make a submission on the reasonability of a request by the Regulator to collect and provide information relevant to the progress of the GMO.

2.3 Obligations of persons covered by the licence

17. Persons covered by this licence must not deal with the GMOs except as expressly permitted by this licence.

18. If a person is authorised by this licence to deal with the GMOs and a particular condition of this licence applies to the dealing by that person, the person must allow the Regulator, or a person authorised by the Regulator, to enter premises where the dealing is being undertaken, for the purposes of auditing or monitoring the dealing.

Section 3 Reporting and Documentation Requirements

3.1 Annual Report

19. The licence holder must provide the Regulator with an Annual Report that includes information about any adverse impacts, unintended effects, or new information relating to risks, to human health and safety or the environment caused by the GMOs or material from the GMOs;

3.2 Testing methodology

20. Prior to conducting any dealings with the GMO, the licence holder must provide to the Regulator a written methodology to reliably detect the GMO and the presence of the genetic modifications described in this licence in a recipient organism. The detection method must be capable of reliably distinguishing between GMO described in this licence and the parent organisms.

ATTACHMENT A

DIR No: 148

Full Title: Commercial supply of Dengvaxia, a live attenuated GM dengue vaccine

Organisation Details

Postal address: Sanofi-Aventis Australia Pty Ltd
Locked Bag 2227
North Ryde BC
NSW 1670

Phone No: 1 800 829 468

GMO Description

Parent Organism

Common Name: Yellow fever virus

Scientific Name: Yellow fever virus vaccine strain 17D

Introduced genes

prM (Pre-membrane protein) and *E* (Envelope protein) from passaged Dengue virus serotype 1 (PUO-359/TVP-1140) or Dengue virus serotype 2 (PUO-218) or Dengue virus serotype 3 (PaH881/88) or Dengue virus serotype 4 (1228 strain (TVP-980))

Deleted genes

prM (Pre-membrane protein) and *E* (Envelope protein) from Yellow fever virus vaccine strain 17D

Modified traits

Category: Altered immune response

Description: The GMOs are live attenuated yellow fever viruses, modified to elicit an immune response to targeted dengue strains. Each GMO encodes two genes, *prM* and *E*, from one dengue serotype. These GMOs were generated using reverse genetics.

Purpose of the dealings with the GMOs

The permitted dealings are for the commercial supply of GM dengue vaccines for use as human therapeutics Australia-wide. The permitted dealings under the licence are import, transport, storage and disposal of the GM vaccines. The licence does not authorise the manufacture of the GM dengue vaccines in Australia.